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Notice of Allowability	Application No.	Applicant(s)	
	10/799,962	WALKER ET AL.	
	Examiner	Art Unit	
	Carolyn T. Blake	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on 11/09/2006.
2. ☒ The allowed claim(s) is/are 1-24 and 26-104.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 24, 2006 has been entered.

Election/Restrictions

2. The restriction requirement among species, as set forth in the Office action mailed on December 2, 2005, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 5-23, 30-33, 35-53, 60-64, 69-87, 93-98, 100, and 104, directed to the non-elected species, are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional

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statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward Podszus (Reg. No. 35,983) on December 13, 2006.

The application has been amended as follows:

- Claim 26: The word - -elastomer- - has been added after "the leading" and before "portion."
- Claim 27: The word - -elastomer- - has been added after "the leading" and before "portion."
- Claim 28: The word - -elastomer- - has been added after "the leading" and before "portion."
- Claim 29: The word - -elastomer- - has been added after "the leading" and before "portion."

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach a shaving blade unit comprising: a width of the leading elastomer portion along the width axis exceeds a width of the supported rear elastomer portion along said width axis as set forth in claims 1 and 99; the elastomeric member extends over at least one of the exterior side surfaces as set forth in claim 34; and, in a region of the elastomeric member extending beyond the width of the housing, the elastomeric member has a first thickness adjacent the side surfaces of the plastic housing and tapers continuously from the side surfaces to a second, lesser thickness at a center region of the guard as set forth in claims 54 and 103.

Regarding claims 1 and 99, Apprille, Jr. et al (5,249,361) disclose a shaving blade unit substantially as claimed, including a housing having a front portion and a rear portion and two side surfaces extending from the front portion to the rear portion, the housing having a length extending from one side surface to the other side surface; one or more shaving blades positioned between the front portion and the rear portion, the one or more blades having a blade length extending along respective one or more parallel blade axes; and a guard (100) at the front portion of the housing, the guard comprising an elastomeric member (118) that extends along a guard axis that is parallel to the respective one or more blade axes, the elastomeric member having a length along the guard axis that is greater than or equal to the blade length, and wherein the elastomeric

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member also extends along a width axis, said width axis extending perpendicular to the guard axis and in a direction from said housing rear portion toward said housing front portion; and wherein a leading portion (see FIG 7) of the elastomeric member extends beyond a leading edge of the front portion of the plastic housing, said leading elastomer portion being forward of a rear elastomer portion, said rear elastomer portion being supported by the plastic housing. However, Apprille, Jr. et al fail to disclose a width of the leading elastomer portion along the width axis exceeds a width of the supported rear elastomer portion along said width axis.

Regarding claim 34, Ferraro et al (5,781,997) disclose a shaving blade unit substantially as claimed, including: a plastic housing having a front portion (near the guard) and a rear portion (near shaving aid material 90) and two side surfaces extending from the front portion to the rear portion, the housing having a length extending from one side surface to the other side surface; one or more shaving blades (22, 24, 26) positioned between the front portion and the rear portion, the one or more blades having a blade length extending along respective one or more parallel blade axes; and a guard at the front portion of the housing, the guard including an electrometric member (80), the electrometric member extending along a guard axis that is parallel to the respective one or more blade axes. While the elastomeric member extends past the interior side surfaces, Ferraro et al fail to disclose the elastomeric member extends over at least one of the exterior side surfaces.

Regarding claims 65 and 103, King et al (6,167,625) disclose a shaving blade unit substantially as claimed, including: a plastic housing having a front portion (near the guard) and a rear portion (near shaving aid 21) and two side surfaces (interior side surfaces of unnumbered sides shown in dotted lines in FIG 1) extending from the front portion to the rear portion, the housing having a length extending from one side surface to the other side surface and a width perpendicular to the length; one or more shaving blades (12, 14) positioned between the front portion and the rear portion, the one or more blades having a blade length extending along respective one or more parallel blade axes; and a guard including an electrometric member (11) carried by the housing at the front portion of the housing and extending along a guard axis that is parallel to the respective one or more blade axes, the guard having a width perpendicular to the guard axis extending beyond the width of the housing. However, King et al fail to disclose in a region of the elastomeric member extending beyond the width of the housing, the elastomeric member has a first thickness adjacent the side surfaces of the plastic housing and tapers continuously from the side surfaces to a second, lesser thickness at a center region of the guard.

The above prior art by itself or in combination with the other prior art cited fails to teach the claimed invention set forth in claims 1, 33, 65, 99, and 103.

Conclusions

5. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

December 13, 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER